

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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2591028 ONTARIO LIMITED d/b/a FOCUS :
GLOBAL, : **ORDER**
Plaintiff, : 20 Civ. 10876 (AKH)
-against- :
ADVACARE INC., :
Defendant. :
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On July 6, 2023, Advacare filed a motion to compel non-party Port Air Express CHB Corporation (“Port Air”) to comply with a subpoena seeking production of documents and appearance for a deposition. Under F.R.C.P. 26(b)(1), a party is entitled to discover “nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” See F.R.C.P. The Court has already determined that discovery relating to the importation of the Goods and their federal registrations is irrelevant to this breach of contract case. *See* ECF No. 69. Each of Advacare’s requests for discovery from Port Air relate to the importation of the Goods and/or their federal registrations and certifications. *See* ECF No. 63-1. Accordingly, Advacare’s motion is denied. The Clerk of Court shall terminate ECF No. 62.

SO ORDERED.

Dated: August 23, 2023
New York, New York

/s/ Alvin Hellerstein

ALVIN K. HELLERSTEIN
United States District Judge